



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4289

by Rep. André M. Thapedi

SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-1	from Ch. 122, par. 34-1
105 ILCS 5/34-3	from Ch. 122, par. 34-3
105 ILCS 5/34-3.3	
105 ILCS 5/34-13.1	

Amends the Chicago School District Article of the School Code. Provides that, within 30 days after the effective date of the amendatory Act, the terms of all members of the Chicago Board of Education holding office on that date are abolished and the Mayor of the City of Chicago shall appoint, with the approval of the City Council, a 5-member Chicago School Reform Board of Trustees. Provides that the Chicago School Reform Board of Trustees and its members shall serve until June 30, 2019 or the appointment of a new Chicago Board of Education, whichever is later. Requires the approval of the City Council for appointments to the Chicago Board of Education, and requires (instead of permits) the Board to appoint a student member. Makes related changes. Effective immediately.

LRB099 14181 NHT 38266 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 34-1, 34-3, 34-3.3, and 34-13.1 as follows:

6 (105 ILCS 5/34-1) (from Ch. 122, par. 34-1)

7 Sec. 34-1. Application of Article ~~article~~; Definitions.
8 This Article applies only to cities having a population
9 exceeding 500,000.

10 "Trustees", when used in this Article, means the Chicago
11 School Reform Board of Trustees created by this amendatory Act
12 of the 99th General Assembly ~~1995~~ and serving as the governing
13 board of the school district organized under this Article
14 beginning with its appointment on or after the effective date
15 of this amendatory Act of the 99th General Assembly ~~1995~~ and
16 continuing until June 30, 2019 ~~1999~~ or the appointment of a new
17 Chicago Board of Education as provided in Section 34-3,
18 whichever is later.

19 "Board", or "board of education" when used in this Article,
20 means: (i) the Chicago School Reform Board of Trustees for the
21 period that begins with the appointment of the Trustees and
22 that ends on the later of June 30, 2019 ~~1999~~ or the appointment
23 of a new Chicago Board of Education as provided in Section

1 34-3; and (ii) the new Chicago Board of Education from and
2 after June 30, 2019 ~~1999~~ or from and after its appointment as
3 provided in Section 34-3, whichever is later.

4 Except during the period that begins with the appointment
5 of the Chicago School Reform Board of Trustees on or after the
6 effective date of this amendatory Act of the 99th General
7 Assembly ~~1995~~ and that ends on the later of June 30, 2019 ~~1999~~
8 or the appointment of a new Chicago Board of Education as
9 provided in Section 34-3: (i) the school district organized
10 under this Article may be subject to further limitations
11 imposed under Article 34A; and (ii) the provisions of Article
12 34A prevail over the other provisions of this Act, including
13 the provisions of this Article, to the extent of any conflict.

14 (Source: P.A. 89-15, eff. 5-30-95.)

15 (105 ILCS 5/34-3) (from Ch. 122, par. 34-3)

16 Sec. 34-3. Chicago School Reform Board of Trustees; new
17 Chicago Board of Education; members; term; vacancies.

18 (a) Within 30 days after the effective date of this
19 amendatory Act of the 99th General Assembly ~~1995~~, the terms of
20 all members of the Chicago Board of Education holding office on
21 that date are abolished and the Mayor shall appoint, with
22 ~~without~~ the ~~consent or~~ approval of the City Council, a 5 member
23 Chicago School Reform Board of Trustees which shall take office
24 upon the appointment of the fifth member. The Chicago School
25 Reform Board of Trustees and its members shall serve until, and

1 the terms of all members of the Chicago School Reform Board of
2 Trustees shall expire on, June 30, 2019 ~~1999~~ or upon the
3 appointment of a new Chicago Board of Education as provided in
4 subsection (b), whichever is later. Any vacancy in the
5 membership of the Trustees shall be filled through appointment
6 by the Mayor, with ~~without~~ the ~~consent or~~ approval of the City
7 Council, for the unexpired term. One of the members appointed
8 by the Mayor to the Trustees shall be designated by the Mayor
9 to serve as President of the Trustees. The Mayor shall appoint
10 a full-time, compensated chief executive officer, and his or
11 her compensation as such chief executive officer shall be
12 determined by the Mayor. The Mayor, at his or her discretion,
13 may appoint the President to serve simultaneously as the chief
14 executive officer.

15 (b) Within 30 days before the expiration of the terms of
16 the members of the Chicago Reform Board of Trustees as provided
17 in subsection (a), a new Chicago Board of Education consisting
18 of 7 members shall be appointed by the Mayor to take office on
19 the later of July 1, 2019 ~~1999~~ or the appointment of the
20 seventh member. Three of the members initially so appointed
21 under this subsection shall serve for terms ending June 30,
22 2022 ~~2002~~, 4 of the members initially so appointed under this
23 subsection shall serve for terms ending June 30, 2023 ~~2003~~, and
24 each member initially so appointed shall continue to hold
25 office until his or her successor is appointed and qualified.
26 Thereafter at the expiration of the term of any member a

1 successor shall be appointed by the Mayor and shall hold office
2 for a term of 4 years, from July 1 of the year in which the term
3 commences and until a successor is appointed and qualified. Any
4 vacancy in the membership of the Chicago Board of Education
5 shall be filled through appointment by the Mayor for the
6 unexpired term. All appointments ~~No appointment~~ to membership
7 on the Chicago Board of Education that are ~~is~~ made by the Mayor
8 under this subsection shall require the approval of the City
9 Council, whether the appointment is made for a full term or to
10 fill a vacancy for an unexpired term on the Board. The board
11 shall elect annually from its number a president and
12 vice-president, in such manner and at such time as the board
13 determines by its rules. The officers so elected shall each
14 perform the duties imposed upon their respective office by the
15 rules of the board, provided that (i) the president shall
16 preside at meetings of the board and vote as any other member
17 but have no power of veto, and (ii) the vice president shall
18 perform the duties of the president if that office is vacant or
19 the president is absent or unable to act. The secretary of the
20 Board shall be selected by the Board and shall be an employee
21 of the Board rather than a member of the Board, notwithstanding
22 subsection (d) of Section 34-3.3. The duties of the secretary
23 shall be imposed by the rules of the Board.

24 (c) The board shall ~~may~~ appoint a student to the board to
25 serve in an advisory capacity. The student member shall serve
26 for a term as determined by the board. The board may not grant

1 the student member any voting privileges, but shall consider
2 the student member as an advisor. The student member may not
3 participate in or attend any executive session of the board.

4 (Source: P.A. 94-231, eff. 7-14-05.)

5 (105 ILCS 5/34-3.3)

6 Sec. 34-3.3. Chicago School Reform Board of Trustees;
7 powers and duties; chief operating, fiscal, educational, and
8 purchasing officers. The General Assembly finds that an
9 education crisis exists in the Chicago Public Schools and that
10 a 5-member Chicago School Reform Board of Trustees shall be
11 established ~~for a 4 year period~~ to bring educational and
12 financial stability to the system. The Trustees and their chief
13 executive officer are empowered and directed to: (i) increase
14 the quality of educational services in the Chicago Public
15 Schools; (ii) reduce the cost of non-educational services and
16 implement cost-saving measures including the privatization of
17 services where deemed appropriate; (iii) develop a long-term
18 financial plan that to the maximum extent possible reflects a
19 balanced budget for each year; (iv) streamline and strengthen
20 the management of the system, including a responsible
21 school-based budgeting process, in order to refocus resources
22 on student achievement; (v) ensure ongoing academic
23 improvement in schools through the ~~establishment of an~~ Academic
24 Accountability Council and a strong school improvement and
25 recognition process; (vi) enact policies and procedures that

1 ensure the system runs in an ethical as well as efficient
2 manner; (vii) establish within 60 days after the effective date
3 of this amendatory Act of the 99th General Assembly ~~1995~~,
4 develop, and implement a process for the selection of a local
5 school council advisory board for the Trustees in which those
6 individuals active on Local School Councils serve an advisory
7 role to the Trustees; (viii) establish any organizational
8 structures, including regional offices, that it deems
9 necessary to ensure the efficient and effective operation of
10 the system; and (ix) provide for such other local school
11 council advisory bodies as the Trustees deem appropriate to
12 function in an advisory capacity to any other organizations or
13 offices established by the Trustees under clause (viii) of this
14 Section.

15 (a) Unless otherwise provided in this Article, the Trustees
16 shall have all powers and duties exercised and performed by the
17 Chicago Board of Education at the time the terms of its members
18 are abolished as provided in subsection (a) of Section 34-3.

19 (b) The Mayor shall appoint a chief executive officer who
20 shall be a person of recognized administrative ability and
21 management experience, who shall be responsible for the
22 management of the system, and who shall have all other powers
23 and duties of the general superintendent as set forth in this
24 Article 34. The chief executive officer shall make
25 recommendations to the Trustees with respect to contracts,
26 policies, and procedures.

1 (c) The chief executive officer shall appoint, with the
2 approval of the Trustees, a chief operating officer, a chief
3 fiscal officer, a chief educational officer, and a chief
4 purchasing officer to serve until June 30, 2019 ~~1999~~. These
5 officers shall be assigned duties and responsibilities by the
6 chief executive officer. The chief operating officer, the chief
7 fiscal officer, the chief educational officer, and the chief
8 purchasing officer may be granted authority to hire a specific
9 number of employees to assist in meeting immediate
10 responsibilities. The chief executive officer may remove any
11 officer, subject to the approval of the Trustees. Conditions of
12 employment for such personnel shall not be subject to the
13 provisions of Section 34-85.

14 (d) Upon the expiration on June 30, 2019 ~~1999~~ of the terms
15 of office of the chief executive, operating, fiscal,
16 educational, and purchasing officers appointed under this
17 Section and the appointment of a new Chicago Board of Education
18 under subsection (b) of Section 34-3, the board may retain,
19 reorganize, or abolish any or all of those offices and appoint
20 qualified successors to fill any of those offices that it does
21 not abolish.

22 (e) The Trustees shall report to the State Superintendent
23 of Education with respect to its performance, the nature of the
24 reforms which it has instituted, the effect those reforms have
25 had in the operation of the central administrative office and
26 in the performance of pupils, staff, and members of the local

1 school councils at the several attendance centers within the
2 district, and such other matters as the Trustees deem necessary
3 to help assure continuing improvement in the public school
4 system of the district. The reports shall be public documents
5 and shall be made annually, beginning with the school year that
6 commences in 2015 ~~1995~~ and concluding in the school year
7 beginning in 2019 ~~1999~~.

8 (Source: P.A. 89-15, eff. 5-30-95.)

9 (105 ILCS 5/34-13.1)

10 Sec. 34-13.1. Inspector General.

11 (a) The Inspector General and his or her office in
12 existence on the effective date of this amendatory Act of the
13 99th General Assembly ~~1995~~ shall be transferred to the
14 jurisdiction of the board upon appointment of the Chicago
15 School Reform Board of Trustees. The Inspector General shall
16 have the authority to conduct investigations into allegations
17 of or incidents of waste, fraud, and financial mismanagement in
18 public education within the jurisdiction of the board by a
19 local school council member or an employee, contractor, or
20 member of the board or involving school projects managed or
21 handled by the Public Building Commission. The Inspector
22 General shall make recommendations to the board about the
23 investigations. The Inspector General in office on the
24 effective date of this amendatory Act of 1996 shall serve for a
25 term expiring on June 30, 1998. His or her successors in office

1 shall each be appointed by the Mayor, without the consent or
2 approval of the City Council, for 4 year terms expiring on June
3 30th of an even numbered year. If the Inspector General leaves
4 office or if a vacancy in that office otherwise occurs, the
5 Mayor shall appoint, without the consent or approval of the
6 City Council, a successor to serve under this Section for the
7 remainder of the unexpired term. The Inspector General shall be
8 independent of the operations of the board and the School
9 Finance Authority, and shall perform other duties requested by
10 the board.

11 (b) The Inspector General shall have access to all
12 information and personnel necessary to perform the duties of
13 the office. If the Inspector General determines that a possible
14 criminal act has been committed or that special expertise is
15 required in the investigation, he or she shall immediately
16 notify the Chicago Police Department and the Cook County
17 State's Attorney. All investigations conducted by the
18 Inspector General shall be conducted in a manner that ensures
19 the preservation of evidence for use in criminal prosecutions.

20 (c) At all times the Inspector General shall be granted
21 access to any building or facility that is owned, operated, or
22 leased by the board, the Public Building Commission, or the
23 city in trust and for the use and benefit of the schools of the
24 district.

25 (d) The Inspector General shall have the power to subpoena
26 witnesses and compel the production of books and papers

1 pertinent to an investigation authorized by this Code. Any
2 person who (1) fails to appear in response to a subpoena; (2)
3 fails to answer any question; (3) fails to produce any books or
4 papers pertinent to an investigation under this Code; or (4)
5 knowingly gives false testimony during an investigation under
6 this Code, is guilty of a Class A misdemeanor.

7 (e) The Inspector General shall provide to the board and
8 the Illinois General Assembly a summary of reports and
9 investigations made under this Section for the previous fiscal
10 year no later than January 1 of each year, except that the
11 Inspector General shall provide the summary of reports and
12 investigations made under this Section for the period
13 commencing July 1, 1998 and ending April 30, 1999 no later than
14 May 1, 1999. The summaries shall detail the final disposition
15 of those recommendations. The summaries shall not contain any
16 confidential or identifying information concerning the
17 subjects of the reports and investigations. The summaries shall
18 also include detailed recommended administrative actions and
19 matters for consideration by the General Assembly.

20 (f) (Blank).

21 (g) (Blank).

22 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.